



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,168	10/22/2001	Hawley K. Rising III	080398.P503	1609
8791	7590	05/17/2004		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025				
			EXAMINER HAVAN, THU THAO	
			ART UNIT 2672	PAPER NUMBER 9

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,168

Applicant(s)

RISING ET AL

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claims 1-27 are pending in the present application.

Response to Arguments

Applicant's arguments filed February 25, 2004 have been fully considered but they are not persuasive. As addressed below, Weil teaches the claimed limitations.

In response to applicant's arguments, the recitation a graph having nodes representing entities and edges between the nodes representing relationships between entities has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Furthermore, Weil discloses a graph having nodes representing entities and edges between the nodes representing relationships between entities (col. 9, line 55 to col. 10, line 54; fig. 5). In other words, he discloses the graphic scheme slots Small Component, Large Component, Illustration and Margins are examples of slots that might be used in a graphic scheme. For example, smaller elements of a document such as small boxes, *graphs*, etc., might be assigned to the slot Small Component.

Art Unit: 2672

Pictures and illustrations might be assigned to the slot Illustrations. For example, a small box within a document that is assigned to the slot Small Component would have a particular type of texture fill, would have a particular graphic border for its edges, would have no shadow, and any line between these smaller components would be a single rule with round end caps. By contrast, any box assigned to slot Large Component would have no fill and would have a double rule for its edges. A picture assigned to the slot Illustration, on the other hand, would have no fill, would have a triple rule for its edges, and would have a shadow that is offset towards its bottom and to the right. Thus, in this fashion a scheme designer has set up a particular Festive graphic scheme and has identified slots such as Small Component, Large Component, etc., that take on various festive style attributes and values. A component designer is then able to assign a particular component to one of the graphic schemes slots and thereby take advantage of the festive style attributes and values that have been set up by the scheme designer.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims **1-27** are rejected under 35 U.S.C. 102(e) as being unpatentable by Weil et al. (US patent no. 6,278,462).

Re claim 1, Weil teaches a computerized method for graph rewriting (col. 1, lines 19-66; col. 7, lines 24-38), a graph having nodes representing entities and edges between the nodes representing relationships between entities (col. 9, line 55 to col. 10, line 54; fig. 5), comprising comparing an input graph representing a description scheme for multimedia content with a set of pre-defined template graphs (col. 12, lines 12-67; col. 3, lines 14-18; figs 8 and 14a), and validating the input graph when there is a match with a template graph (col. 8, line 23 to col. 10, line 55). In other words, Weil teaches a flexible scheme technique to information within a particular multimedia in relation to the data processing by a computer system. A scheme instance data structure is used for applying a set of coordinated attributes to any number of components within a composition. The data structure includes a scheme instance category indicating a type of scheme (i.e. graph) and a number of attributes corresponding to the scheme instance category. Also included are a number of scheme slots, and each scheme slot is associated with zero or more components of the composition. Each of the scheme slots is also associated with each of the attributes. In other words, each scheme slot is arranged to hold a distinct value for each of the attributes. In this fashion, for each of the scheme slots, the scheme instance data structure may be used to apply values of attributes to the components of the composition associated with each scheme slot. In a further embodiment, a scheme instance includes a number of levels, each level having a complete set of values for the attributes. The scheme instances may be stored in a table like format. The table like format corresponds to a template. For example, graphics schemes include a Business scheme, a Festive scheme and a Medieval

scheme. Each of these schemes provides a particular look to an element of a composition, a portion of a composition, or to the composition itself.

Re claims **2, 11, and 20**, Weil discloses comparing uses a graph matching process (figs. 1-2, 5, and 8). In figures 8, Weil discloses the attributes to match a particular process for a graph.

Re claims **3, 12, and 21**, Weil discloses creating adjacency matrices representing the input graph and the set of template graphs (col. 7, line 23 to col. 8, line 20; figs. 2 and 8). In figure 2, Weil teaches graphics schemes include a Business scheme, a Festive scheme and a Medieval scheme. Each of these schemes provides a particular look to an element of a composition, a portion of a composition, or to the composition itself.

Re claims **4-6, 9, 13-15, 18, 22-24, and 27**, Weil discloses evaluating the input graph against a set of pre-defined alphabet graphs and applying a rule associated with a matching alphabet graph to the input graph, the rule represented by a rule graph and a set of morphism graphs (col. 12, line 12 to col. 14, line 34). In other words, Weil teaches a ruling specification defines how lines will appear. A ruling specification is typically used with an edge of a box. A ruling specification includes values for the space between lines, the thickness of lines and their lengths. A ruling specification may also indicate a single line, a double ruled line, and a triple ruled line. Each of these lines within a ruling specification will also have a line specification defining that line. For example, a line specification defines whether a line has end caps and of which type,

whether the line is dotted, dashed or continuous, whether the line includes a bit map. A more complex implementation could specify bit maps for the lines and ends.

Re claims **7-8, 16-17, and 25-26**, Weil discloses the applying comprises performing a pushout/pullback operation (figs. 7-8).

Re claims **10 and 19**, the limitation of claims 10 and 19 are identical to claim 1 above. Therefore, claims 10 and 19 are treated with respect to grounds as set forth for claim 1 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan
May 12, 2004



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600